

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

AUGUST 15, 2013; 7:07 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND SCOTT FREITAG**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, CLINT DRAKE, BILL WRIGHT,
PETER MATSON, TERRY COBURN, DEAN HUNT,
JAMES (WOODY) WOODRUFF AND THIEDA
WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Curtis opened the meeting. Boy Scout Boston Musgrave with Troop 525 led the Pledge of Allegiance. Sandy Ingles gave the invocation. Scouts from Troops 525 and 350 were welcomed.

MINUTES:

MOTION: Councilmember Bouwhuis moved and Councilmember Flitton seconded to approve the minutes of:

**Layton City Council Strategic Planning Work Meeting – June 27, 2013; and
Layton City Council Special Meeting – June 27, 2013.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that tonight, in the amphitheater, the Family Recreation Program would host a free movie. She said there would also be free popcorn and other refreshments, and the movie would start at dusk.

Councilmember Brown said the End of Season Bash for Surf 'n Swim would be held August 31st from 7:00 p.m. to 9:00 p.m. She said admission would be \$1.

Councilmember Bouwhuis said the North Davis Sewer District Board had scheduled a public hearing to consider adjustments to their impact fees. He said the public hearing was scheduled for September 12, 2013. Councilmember Bouwhuis said work that had been completed by a private consulting firm would be presented and there would be a comment period before any action was taken.

Councilmember Flitton said he attended a Chamber of Commerce meeting today where an expert on development growth and planning spoke. He said they were told that in Utah they could expect to see 45,000 people per year in growth until 2040.

CONSENT AGENDA:

Mayor Curtis indicated that items F and I would be pulled from the consent agenda and voted on separately.

INTERLOCAL AGREEMENT FOR PARAMEDIC SERVICES WITH NORTH DAVIS FIRE DISTRICT – RESOLUTION 13-43

Dean Hunt, Fire Marshall, said Resolution 13-43 was an interlocal agreement with the North Davis Fire District for paramedic services. He said the State required an interlocal agreement between agencies if an agency was to provide paramedic service to another agency. Dean said this agreement was for a five year term. He said the agreement indicated that the North Davis Fire District would provide 21% of what was billed for services to Layton City. Dean said Staff recommended approval.

Councilmember Brown said the agreement indicated that Layton City could provide advanced life support and North Davis Fire District did not have that capability.

Dean said that was correct.

INTERLOCAL COOPERATION AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR CORRIDOR IMPROVEMENTS ALONG SR-89 – RESOLUTION 13-45

Terry Coburn, Public Works Director, said Resolution 13-45 was a cooperation agreement between the City and UDOT for corridor improvements along Highway 89. Terry said Layton City desired to make safety improvements including pavement maintenance to several public road connections adjacent to, and within the right of way of, Highway 89. He said UDOT had agreed that additional improvements of pavement maintenance was needed and had agreed to participate in the cost of the improvements in the amount of \$14,000. Layton City had the responsibility for management and selection of a contractor for the work, and traffic control. Terry said the City would incorporate the work into their work plan. He said the City and UDOT had determined to accomplish this by written agreement. Terry said Staff recommended approval.

MEMORANDUM OF UNDERSTANDING WITH NORTH DAVIS SEWER DISTRICT GRANTING A NON-EXCLUSIVE SEWER AND FACILITY EASEMENT – LOCATED UNDER THE ROCKY MOUNTAIN POWER CORRIDOR NORTH OF WEAVER LANE – RESOLUTION 13-41

Terry Coburn said Resolution 13-41 was a memorandum of understanding with North Davis Sewer District granting an easement on property under the Rocky Mountain Power corridor north of Weaver Lane. He said North Davis Sewer District had made a request for a non-exclusive sewer and facilities easement on property owned by the City that contained an established detention basin. Terry said the capacity of the basin would be reduced 10,000 cubic feet. He said the memorandum of understanding addressed the respective responsibilities of Layton City and the North Davis Sewer District, including the redesign and reconstruction of the detention basin to accommodate the same capacity as before the sewer utilities were installed. Terry said the proposed easement agreement would grant a non-exclusive easement to North Davis Sewer District for the installation of its facilities. He said Staff recommended approval.

2012 LAYTON CITY MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT – RESOLUTION 13-44

Terry Coburn said Resolution 13-44 authorized the review and adoption of the 2012 Municipal Wastewater Planning Program Annual Report. He said this was an annual report the City was required to file with the State relative to the sanitary sewer system. Terry said the City was in good standing with the State in all aspects of the program, and Staff would recommend approval.

OFF-PREMISE BEER RETAILER LICENSE – GLUTEN FREE FOODS – 1596 NORTH HILL FIELD ROAD, SUITE B

Bill Wright, Community and Economic Development Director, said this was an off-premise beer retailer

license for Gluten Free Foods, located at 1596 North Hill Field Road, Suite B. He said there was a private preschool located within the 600 foot buffer area of the location, but the distance was measured as a pedestrian would walk from one building to the other. He said this location was 611 feet from La Petite Academy, and they expressed no concerns with the license. Bill said background checks had been approved by the Police Department, and Staff recommended approval.

FINAL PLAT APPROVAL – EVERGREEN FARMS SUBDIVISION, PHASE 2 – APPROXIMATELY 1950 WEST LAYTON PARKWAY

Bill Wright said this was final plat approval for Evergreen Farms Subdivision, Phase 2, located at approximately 1950 West Layton Parkway. He said the proposal consisted of 19 acres and 44 lots, which was a density of 2.31 units per acre. Bill said the proposal met all requirements of the R-S zone. He said there were buffering requirements along Layton Parkway including an 8 foot masonry wall and a 5 foot easement for a landscape buffer. Bill said this would help extend Layton Parkway to the west. He said the Planning Commission recommended approval and Staff supported that recommendation.

PARCEL SPLIT APPROVAL – LOWE’S HOME IMPROVEMENT – 1055 WEST ANTELOPE DRIVE

Bill Wright said this was a parcel split approval for Lowe’s Home Improvement located at 1055 West Antelope Drive. He said a recent change in the Code for parking requirements allowed for this parcel split. Bill said the parcel split would allow for construction of a 6,800 square foot retail pad on the corner of the Lowe’s parking lot. He said the proposal met all of the requirements of the CP-3 zone. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

MOTION: Councilmember Brown moved to approve the Consent Agenda as presented, excluding Items F and I. Councilmember Freitag seconded the motion, which passed unanimously.

FINAL PLAT APPROVAL – OLD FARM AT PARKWAY SUBDIVISION, PHASE 2 – APPROXIMATELY 815 WEST LAYTON PARKWAY (ITEM F OF THE CONSENT AGENDA)

Bill Wright said this was a final plat approval for the Old Farm at Parkway Subdivision, Phase 2, located at approximately 815 West Layton Parkway. He said Phase 1 of Old Farm at Parkway was approved on the north side of Layton Parkway and was currently under construction. Bill said Phase 2, located on the south side of Layton Parkway, received preliminary plat approval on January 24, 2012, by the Planning Commission; prior to that there was an annexation of all of this property and a rezone approved by the City Council. He said this phase consisted of 19 lots in the R-1-8 zone with a minimum lot size of 8,000 square feet. Bill said the proposal was compatible with surrounding neighborhoods and consistent with the zoning.

Bill said as part of an annexation agreement, there was a requirement for the construction of an 8 foot masonry wall, and five feet of landscape buffering along Layton Parkway.

Bill said after this final plat was reviewed by the Planning Commission on June 11, 2013, where they recommended approval, the developer submitted a change in Phase 2 involving four lots that had previously been located on the southern portion of the property along Kays Creek. He said the four lots had been removed from the plat because of some studies that were underway along Kays Creek for flow of water and the impact of possible additional requirements on those lots.

Bill said the amended plat had been reviewed by the Engineering Staff to make sure it met all of the standard requirements. He said Staff had received calls from residents about how access was going to be provided into the Old Farm at Parkway Subdivision, Phase 2. Bill said Staff met with some representatives of the neighborhood and reviewed information about the future stub streets that would eventually go into property to the west when it was developed. He indicated that there would eventually be a connection on Angel Street and two additional connections onto Weaver Lane.

Bill said the Council had received emails from the residents requesting an additional access be granted onto Layton Parkway. He said Layton Parkway was an arterial road with very limited access. Bill said 700 West was a residential collector street that would provide access to Layton Parkway. He said this subdivision layout met the City's standards for fire apparatus access and access for future development on adjacent properties.

Bill said it became known that the owner of the property immediately south and west of the development submitted a request to the County to have an agricultural protection zoning overlay placed on his property. Bill said City Staff met with the County Planner to gain a full understanding of what that would mean. He said the County would grant those upon request, and they would remove them upon request; it was not a permanent designation and had no bearing on whether the property could be developed in the future. Bill said it was not a conservation easement. He said the agricultural protection zone simply helped protect the farmer from nuisances that might be claimed by abutting single family subdivisions about the operation of a farm.

Bill said because of that, the neighborhood was concerned that that meant this property would never be developed, and why would the City stub roads into the property and not provide access onto Layton Parkway. He said as subdivisions phased, it was the property owner's decision whether they wanted to develop or not. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown said in the earlier Work Meeting there had been discussion about other subdivisions in the City that had developed similarly to this one; this was not an unusual course of development.

Bill said as vacant land was developed, it was often done in phases. He said some existing ones were Fairfield Estates at Mutton Hollow, off of Fairfield Road. Bill said there was a single entrance into the development, but as soon as Phase 5 of the development was developed, there would be an additional connection onto Boynton Road. Bill said Harmony Place was under the same type of phasing pattern. He said Weaver Meadows Subdivision, which was adjacent to this property to the east had more than 30 lots and had only 1 access at one time. Bill said Roberts Farms, Phases 1 through 6, located to the west, had similar phasing that occurred. He said with the approvals of additional phases for that subdivision, multiple accesses would be developed. Bill said development phasing was not an unusual practice.

Councilmember Freitag said Bill indicated that Weaver Meadows had more than 30 homes with only 1 access. He said by adding this other subdivision, how did each subdivision count separately as 30 homes and one exit, and not a total of 60 and one exit.

Bill said clearly it was over 30 homes. He said the part of the Fire Code that came into play was a determination by the Fire Marshall, and the City Engineer, as they reviewed access to make sure there was adequate fire apparatus access into subdivisions that had more than 30 lots. Bill said there were provisions in the Code to allow that. He suggested that the Fire Marshall address that.

Dean Hunt, Fire Marshall, said the Fire Code was an international code, and there was an understanding that there may be situations throughout the entire world that might be a little different. He said the Code gave the City the authority to look at individual situations and the City's capabilities. Dean said the residential collector road into the area was wider than a normal residential street, which was considered when these were reviewed. He said the Code addressed fire apparatus access. If people were exiting the area could the Fire Department still get into the subdivision with their apparatus; and the answer was yes, which was determined in the review process. Dean said there were some exceptions to the 30 home limit; one of those being fire sprinklers in all of the homes, or if there was going to be future development, and there was no time frame on that. He said with future development the Fire Code Authority could determine whether it met that requirement or not, and allow for that.

Councilmember Freitag said in a letter signed by Leslie Oakes and the Weaver Meadows Subdivision, that he shared in the earlier work meeting, they quoted a "National Safety Code." He asked if Dean was referring to the same thing with the International Fire Code.

Dean said he wasn't aware of a National Safety Code; he would assume they were referring to the International Fire Code.

Councilmember Freitag said if it was the same, the 30 homes to an access strictly related to whether fire apparatus had access into and out of the subdivision.

Dean said that was correct.

Councilmember Freitag said it allowed for the Fire Marshall to make a determination that it could be 30 or more, as long as he felt comfortable that the fire apparatus could enter, exit and maneuver safely.

Dean said that was correct. He said it was based on the capability of a city's apparatus. He said Layton City didn't have some of the larger equipment that would not access these areas; it would not be a problem for the City's Fire Department.

Councilmember Flitton said Dean would only deal with the fire safety aspect of the Code. He asked if the Council should assume that the National Safety Code referred to by Councilmember Freitag was strictly fire.

Dean said with any discussions he had with the residents, they always referred to the Fire Code. He said he wasn't sure what the National Safety Code referred to; maybe the residents thought that the International Fire Code was called that.

Councilmember Brown said in response to some of the citizens, the City Engineer actually wrote a letter to the citizens explaining access onto Layton Parkway and because of the type of street it was the City was limiting access onto it. She asked someone to address that.

Woody Woodruff, City Engineer, said Layton Parkway was designed as a minor arterial road. He said the purpose and function of the road was to provide a funneling of vehicles from residential neighborhoods to the interstate. Woody said since Layton Parkway had been built, it took only a few minutes to get from this area to I-15. He said it had been a great improvement within the Community.

Woody said with a minor arterial, they looked for access management and a lot of that was associated with spacing and what the minimum and maximum spacing of access would be. He said obviously, if there were a lot of residential connections to the road, then it would create congestion and reduce the flow of traffic. Woody said the purpose behind this was to reduce the number of connections; in this case the desire was ¼ of a mile or about 1,000 feet between connections. Woody said there were some situations where it was less than that; basically because of existing development that occurred before the road was built. He said the distance between 700 West and the Weaver Lane connection was about 1,000 feet. Woody said to make another connection between those two streets would make it less than 500 feet, and there would be some safety concerns with sight distance because of the curves. He said in the future, there would be two additional connections through properties to the west.

Bill said the City looked at the opportunity for a temporary construction access easement at Lot 212 of the subdivision. He said there was an existing curb cut at that location to accommodate the farming operation being done on the property when Layton Parkway was being constructed. Bill said typically that curb cut would be removed and the wall would be constructed as part of this phase of the subdivision. He said the City approached the developer, and he was agreeable, that for one year from the date of commencement of construction of the subdivision that that would be the access for construction. Bill said that would take away some of the burden on 700 West. He said often times it benefitted the developer as well because it kept people from coming onto the property when there was construction activity.

Mayor Curtis said this wasn't a public hearing, but he received a request from Leslie Oakes, a spokesperson for the neighborhood, to speak to this item.

Leslie Oakes said they were concerned as a neighborhood with having all the additional traffic without any future roads. She said they had spoken with Tyson Roberts, and they had a letter from Mr. Roberts, indicating that he had no intention of selling his property until he died. Ms. Oakes said they were very concerned with only one access for the entire additional development, along with the current Weaver Meadows Subdivision. She said she lived on 700 West; if something happened, such as the creek flooding, those residents would have no way out of the subdivision.

Ms. Oakes said when the residents met with City Staff, one proposal they suggested was to leave the construction access open permanently. She said if and when Mr. Roberts sold his property it could be closed.

Mayor Curtis said the developer was also present. He asked Mr. Holland if he wanted to speak.

Phil Holland with Henry Walker Homes said they were aware that some of the residents had some concerns. He said every time there was new development there were additional homes and additional traffic. Mr. Holland said City Staff did a good job of explaining the issues. He said for their final plat approval, they had acknowledgement from City Staff that they had met every requirement.

Councilmember Flitton asked if any of the homes in the subdivision would be equipped with sprinkling devices.

Mr. Holland said no.

Councilmember Bouwhuis asked if Henry Walker Homes owned the property where the temporary easement was located.

Mr. Holland said yes.

Councilmember Bouwhuis asked if they had considered an access at this location.

Mr. Holland said they hadn't considered a temporary construction access at this location. He said as they met with City Staff, it was a compromise on everyone's part. Mr. Holland said they agreed to have the construction access for a period of 12 months. He said hopefully it would alleviate some of the tension caused by construction.

Councilmember Bouwhuis asked if Mr. Holland would consider leaving it open until the other property was sold.

Mr. Holland said no.

Councilmember Freitag asked Staff to talk about vesting issues that were discussed in the earlier Work Meeting.

Clint Drake, Assistant City Attorney, said in the State of Utah a property owner was vested once they had a completed application, and they met all of the requirements of the ordinance. He said in this circumstance, the applicant did have a completed application and they had met all of the requirements of the ordinance; they were vested in the property, which meant they had a right to develop the property.

Councilmember Freitag asked on what grounds could the Council deny the request.

Clint said if it didn't meet the standards of the ordinance, the Council could deny it on those grounds. He said in order to overcome any type of vesting rights there had to be a significant and countervailing public interest. Clint said the issue the City would run into, as Mr. Wright had indicated earlier, was that there were a number of subdivisions within the City, including the subdivision directly abutting to the east, that fell under the same circumstances. He said additionally, as had been explained by the Fire Marshall, it was not a violation of the City's ordinance and therefore the Council was really limited in what they could and could

not do.

Clint said in the Fire Code that was discussed earlier, there were exceptions, and the Fire Marshall explained those exceptions. He said even if there were to be some sort of permanent road there, it would not be a public road, it would be a fire apparatus access road, which meant that it would have some type of gate or barrier that would prohibit vehicular traffic. It would simply be for emergency situations. Clint said it was important for the public to understand that even if that was a requirement of the ordinance it would not be a public access road.

Councilmember Brown said it would be similar to some of the apartment complexes that had to have a second access, but one was usually restricted with no public access unless there was an emergency.

Clint said that was correct.

MOTION: Councilmember Brown said having heard the discussion, and especially the direction from the Attorney, she would move to approve Item F of the Consent Agenda as presented.

Councilmember Freitag said he was concerned that the Code was not good at giving a definition of future development. He said based on what was known today, the future development of the property to the west was undefined. The Code put the Council in a tough spot; the Council felt strongly for the right of the property owner to develop, balanced with the concerns expressed about safety. Councilmember Freitag said the Council shared those same concerns. He said the challenge was the rights of the property owner that was already vested, and what was reasonable in finishing the development. Councilmember Freitag said if there was a definition in the Code of what future development was, then that would probably get them out of the box they were sitting in. He said there was no definition in the Code and it was undetermined when future development would occur. Councilmember Freitag said there was a possibility that the property would develop in the future, and given what had happened in west Layton in the past few years, it was likely that it would develop. He said based on the Code, the developer had a tremendous right to hold the City accountable for not following through with their vested rights on that property. Councilmember Freitag said he didn't know that the Council had a choice in this matter.

Councilmember Flitton said his concern was with the safety of the community, particularly the neighbors in the adjacent development. He said the Council was sort of over a barrel; he was uncomfortable with it but he didn't think the Council had an option.

Councilmember Bouwhuis said this issue had come up several times, and the Council was very sympathetic. He said he wished there were an answer that would solve the safety issues. Councilmember Bouwhuis said the Council was between a rock and a hard spot, which was a difficult situation to be in, because the Council truly wanted to represent the interests of the citizens and the City. He said the developer was vested and had the right to move ahead with the development.

Councilmember Freitag said if he didn't have tremendous respect for the Fire Marshall, he would have a harder time with this. He said the City had the best Fire Marshall in the State.

MOTION: (continued) Councilmember Freitag said with that, he would second the motion, which passed unanimously.

PUBLIC HEARINGS:

AMENDED PLAT APPROVAL – FOOTHILLS AT CHERRY LANE SUBDIVISION, PHASE 3 – APPROXIMATELY 2000 EAST OAKRIDGE DRIVE – ORDINANCE 13-25

Bill Wright said Ordinance 13-25 was an amended plat approval for the Foothills at Cherry Lane Subdivision, Phase 3, located at approximately 2000 East Oakridge Drive. He said the request came through from a lot of effort that had been expended by two property owners, Brighton Homes and Jared and Matt

Yeates, as they tried to come up with a better development scenario for the multi-family zoned property to the east.

Bill said in order to proceed with the planned residential unit development (PRUD) to the east, there needed to be an amendment to Phase 3 of the Foothills at Cherry Lane Subdivision. He said Lot 315 would be taken out of Phase 3. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Flitton asked about the public street that would be converted to a private street.

Bill said the street would become a private street as it transitioned into the PRUD.

Mayor Curtis opened the meeting for public input. None was given.

MOTION: Councilmember Freitag moved to close the public hearing and approve the amended plat as presented, Ordinance 13-25. Councilmember Bouwhuis seconded the motion, which passed unanimously.

CONSENT AGENDA: (continued)

PRELIMINARY PLAT APPROVAL – FOOTHILLS AT CHERRY LANE PRUD – APPROXIMATELY 2100 EAST OAKRIDGE DRIVE (ITEM I OF THE CONSENT AGENDA)

Bill Wright said this preliminary plat approval was for the Foothills at Cherry Lane PRUD, discussed in the previous item, located at approximately 2100 East Oakridge Drive. He said Brighton Homes was requesting the approval for 30 single family detached homes on smaller lots.

Bill said this property had two zoning districts; R-M1 PRUD, which was a multi-family zone located on the eastern portion of the property, and R-1-10 PRUD located on the western portion. He said if the density was maximized on the property it would allow for 48 units. Bill said part of the property was encumbered by a gasoline transmission pipeline that provided a bit of an obstacle in laying out a residential subdivision. He said the pipeline was contained in the open space indicated on the map and nothing could be built over the top of the pipeline.

Bill said in order to move the development forward, the applicant had worked with the City to develop private streets that would meet the City's standards. He said there would be one private drive, which met the standards, that would provide access to five of the lots; and six lots would front onto Oakridge Drive, which was a public street. Bill said there were some concerns with the homes that would have backing movements onto Oakridge Drive, but the City Engineer had a striping plan that would more define the travel lane and curb lane, which would also help slow traffic. He said the Planning Commission recommended approval, with additional architectural detail to some of the buildings, and Staff supported that recommendation.

Councilmember Flitton said for clarification, would the additional architectural detailing be a requirement or were they just a suggestion.

Bill said they would be incorporated as requirements with the final approval.

Councilmember Brown said she appreciated the work Staff did on finding a solution for this property. She said this was a great solution from what was originally proposed.

Bill said Staff would also acknowledge the neighborhood that came in as a willing participant to the conversation, and Brighton Homes who stepped forward and really made this happen.

MOTION: Councilmember Bouwhuis moved to approve Item I of the Consent Agenda as presented. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS: (continued)

ORDINANCE AMENDMENT – AMENDING SECTION 3 OF THE LAYTON CITY DEVELOPMENT GUIDELINES AND DESIGN STANDARDS ENTITLED STREET IMPROVEMENTS; AND AMENDING TITLES 16, 18, AND 19 RELATIVE TO TEMPORARY TURNAROUNDS – ORDINANCE 13-17

Bill Wright said this was a public hearing that was continued from the last Council meeting. He said the proposed amendments had to do with situations regarding turnarounds, and options for how to provide those in subdivisions. Bill said at the conclusion of the August 1st public hearing, there were some questions submitted by the Council to Gary Crane, City Attorney. He said Staff met to review the Code in more detail, and to make sure a fire suppression system in homes that extended beyond the 150 feet without an improved hard surface turnaround was an option under the City Code and the International Fire Code. Bill said Staff concluded that that option was available and that safety could be provided with that option. He said Staff also had discussion with Councilmember Freitag to make sure they were addressing his concerns.

Bill said there were a few minor changes to the ordinance from the last version; some of the language out of the International Fire Code had been included. He said Staff recommended approval.

Councilmember Freitag said he was quite satisfied with the additional research provided by Staff, and the discussion they had considering the language in the International Fire Code. He said he was comfortable with moving ahead with the change.

Mayor Curtis opened the meeting for public input.

Rick Smith, 615 South 1375 West, asked how garbage trucks or trucks with trailers would turn around when dealing with a stub street that was 500 feet long. He said he lived on a temporary turnaround and he was glad that it was there.

Councilmember Freitag said the requirement was 150 feet. He said his concerns were about fire protection and what was required in the International Fire Code. Councilmember Freitag said he didn't know if any of those things could be addressed, because it wasn't something that was in the Council's purview.

Mr. Smith said he understood that if the length of a stub street was more than 2 lots or 200 feet, a fire suppression system or one of the other options would be required. He asked if there would still be a temporary turnaround if it was beyond 200 feet.

Bill said yes; it could go up to 250 feet, but only two lots; or there would be a cul-de-sac, a temporary turnaround, a permanent bulb in the street, or fire suppression in the homes. He said Staff would also look closer at the phasing in a subdivision and get the developer to project into more multiple phases to extend that length.

Mr. Smith recommended that the last two lots become their own phase so that they could develop at a later time.

Councilmember Freitag said he appreciated Mr. Smith's suggestion because he lived on one of these situations as well. He said it was something the City needed to consider, but he was comfortable with what was being done as far as the fire requirements.

MOTION: Councilmember Brown moved to close the public hearing and approve the amendments relative to temporary turnarounds, Ordinance 13-17. Councilmember Flitton seconded the motion, which passed unanimously.

DEVELOPMENT AGREEMENT AND REZONE REQUEST (GREEN AND GREEN) – R-S (RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) – 836 SOUTH ANGEL STREET – RESOLUTION 13-35 AND ORDINANCE 13-18

Peter Matson, City Planner, said Resolution 13-35 and Ordinance 13-18 was a development agreement and a rezone request submitted by Mr. Ed Green for property located at 836 South Angel Street. He said the property was currently zoned R-S, which was a residential zone, and the proposed zoning was PB or professional office.

Peter identified the property on a map and indicated that it contained approximately 8/10 of an acre that was located on the southwest corner of the intersection at Layton Parkway and Angel Street. He said Phase 8 of the Roberts Farms Subdivision was presently under construction and would extend Layton Parkway to the west. Peter displayed the plat of Phase 8 that included the two lots proposed for rezone. He said if the PB zone was approved, the applicant indicated that the lots would be combined to allow for development of a professional office building.

Peter said the proposed zoning, unlike a commercial zoning district, was primarily focused on office type uses, which could be professional offices, or medical or dental offices. He said the intent of the zone was to be located along arterial and collector streets to provide uses that were not as intense as those found in commercial zones.

Peter said the City's General Plan indicated that the PB zone was an appropriate zone to be used at intersections of arterial and collector streets, and also to be located along the edge of neighborhoods. Buildings constructed in these zones should be of a residential nature, typically single story, and make all attempts to blend into the surrounding neighborhood.

Peter said during the Planning Commission hearing, a resident from the Pheasant Place Subdivision expressed concerns about traffic and pedestrian safety issues associated with the way children accessed Heritage Elementary through this area, and the possible impacts this type of use could have on those types of issues. He said Staff met with Mrs. Dixon and other residents of the Pheasant Place Subdivision in July as an opportunity to answer any questions about the proposed zoning, and to take an inventory of the concerns associated with the proposal, and to make an attempt to address some of those issues.

Peter reviewed information included in the Council packet relative to the location of other PB zones in the City. He indicated the types of businesses that were in these PB zones.

Peter said as other subdivisions developed in the area around the proposed rezone, there would be additional connections that would accommodate both vehicular and pedestrian traffic through the area. He said with the completion of Roberts Farms Subdivision, Phase 8, Layton Parkway would extend to the west and connect into Arbor Way, which continued south and connected into Heritage Elementary. Peter said this would provide a way for school children to cross, and stay on the south side of Layton Parkway, and then into the subdivision, which would be a preferred alternative to walking down Angel Street.

Peter said the development agreement indicated that some of the normal uses allowed in the PB zone would not be allowed at this location. He said the development agreement also indicated that the Design Review Committee would review the design of the site, both from a landscaping standpoint and an architectural standpoint to provide input to the City Staff. Peter said the Planning Commission recommended approval of the development agreement and rezone request, and Staff supported that recommendation.

Councilmember Freitag said the two lots would currently allow for residential development with access onto Angel Street.

Peter said that was correct.

Councilmember Freitag asked if there was a requirement for a circular driveway to accommodate forward

movement from the residences.

Peter said there was not a requirement, but it could be encouraged if the lots would accommodate it.

Councilmember Freitag asked if there was a requirement for where the northern lot driveway access would be located.

Peter said it would probably be located as far south as possible away from the Layton Parkway/Angel Street intersection. He said a driveway could be no closer than 4 ½ feet from an adjacent property line.

Councilmember Freitag said as it was currently zoned, he would be concerned about the two residential properties backing onto Angel Street and children walking past the properties. He said the proposed rezone would allow for the driveway to be located further south from the intersection than two residential homes.

Peter said that was correct. He said the driveway on the rezone would be located as far south as possible on the second lot. He said that driveway could be no closer than 20 feet from an adjacent property line.

Councilmember Freitag said he drove Angel Street every day. He said Mr. Green had indicated earlier that he would install the sidewalks ahead of development on Arbor Way to allow for pedestrian travel through the subdivision to the school.

Councilmember Brown said most of the existing PB zones in the City reviewed by Staff were one level. She asked if there was something in the development agreement that would limit the building to one level. Councilmember Brown said there was a height restriction, but two story homes fit into that restriction.

Peter said the PB zone had a height limitation of 35 feet. He said it was possible to get two stories into that with a flat roof. Peter said there wasn't a limit of one story in the development agreement, but that could be added.

Councilmember Bouwhuis asked Peter to explain how Angel Street would look in terms of striping and traffic control as this developed, which was explained in the earlier Work Meeting.

Peter displayed a conceptual map with the proposed rezone. He said the City Engineer indicated that with the potential use, a restriping configuration would be in order where a left hand turn movement would be accommodated with a center turn lane, which would transition into a left hand turn lane at the Layton Parkway intersection.

Mayor Curtis opened the meeting for public input.

Sherman Curtis, 798 South Angel Street, said the residents of west Layton enjoyed the country community feeling that had been in west Layton. He said when Layton Parkway was introduced to the community, there were a lot of concerns from the residents with how property in the area would develop. Mr. Curtis said he was concerned with maintaining the country feel. He said this PB zone would start a precedence around the other open spaces that could move into a higher level of business zoning. Mr. Curtis said a second concern was that the Parkway was developed with the sole intent of moving community traffic out to the main arterials; why were any businesses being developed within that area that would have the traffic flow move contrary to that intent.

Mr. Curtis said his home was the next closest home to the proposed rezone. He said he had issues accessing his driveway. Mr. Curtis said there had been a number of accidents in the area with traffic traveling too fast. He said with traffic stopping to access this business, it would cause additional problems.

Chuck Easton, 1296 West 500 South, said he lived in Pleasant Place Subdivision. He said he agreed with Mr. Curtis' concerns. Mr. Easton said Angel Street was not equipped to handle any business development. He said Angel Street was unlike Fairfield Road or Antelope Drive. Mr. Easton said Angel Street did not have a

center turn lane; it did not have uniform curb, gutter and sidewalk; and this was a very active pedestrian corridor. He said Angel Street had undeveloped shoulders, and with pedestrian traffic using the undeveloped shoulders, traffic had to move over into the center lane; without a center turn lane, traffic turning left into the business would stop at the through lane and other cars would be passing around them in the shoulder area. Mr. Easton said this presented a significant safety concern for pedestrians.

Mr. Easton said his second concern was that drivers on Angel Street had a certain expectation, where as drivers on Antelope Drive and Gentile Street had a totally different set of expectations. He said when you were on arterials like Antelope Drive, you expected people to jump out in front of you, you expected fast accelerations, and you expected pedestrians to stay on the sidewalks and not use the shoulder areas. Mr. Easton said Angel Street was more of a residential area, and drivers would not expect to see businesses on Angel Street. He said when drivers saw things they didn't expect to see, conflicts between drivers and pedestrians went up. Mr. Easton said even though this was a collector street, it had a very country road feel. He urged the Council to keep this area residential.

Shirley Dixon, 558 South 1500 West, said she was told by Councilmember Brown that if she was speaking for a group she could have more than three minutes. She said Angel Street was a two lane road; all of the other examples given to the citizens in the Planning Commission meeting were much wider roads with shoulders and turning lanes. Ms. Dixon said in this situation there was a curvature in the road that was not on the other examples.

Ms. Dixon identified the pedestrian flow, to the school, on a map. She said sending the children on Arbor Way, through a construction area, would not be safer. Ms. Dixon said she would not send her children through the neighborhood. She explained issues with traffic and children accessing the north side of the school and the school spending \$6,000 on a sidewalk to help with the issues. Ms. Dixon said with development in the area, traffic to and from the school would increase, and children attending the school would increase. She said a study indicated that up to 300 cars a day could be accessing the commercial development, adding to all the other traffic in the area. Ms. Dixon said this proposal made no sense for this area.

Councilmember Flitton said in the earlier Work Meeting he addressed the issue of the 300 cars. He said that was a worst case scenario and wasn't realistic.

Ms. Dixon said she understood that the developer wanted to get good value from his property. She said Layton City was a very desirable place to live and there was a very high demand for residential lots. Ms. Dixon said these two residential lots would sell.

Mayor Curtis asked that there not be redundancy in the comments.

Denmark Jensen, 547 South 1500 West, said he was an optometrist and understood the number of patients that could be seen in an optometrist or dental office. He said if this business owner wanted to grow his business the traffic would be close to 300 cars a day. Mr. Jensen said he saw 3 patients an hour; his dentist saw 20 patients an hour.

Mr. Jensen asked what the purpose was of adding a professional business in this area. He said he understood that this came as a suggestion to Mr. Green from the City. Mr. Jensen asked if that was true, and why.

Mayor Curtis said it was highly probable that the City looked at this and was trying to find the best, safety scenario possible for the area. He said with these particular lots, there were other options. Mayor Curtis said there was a lot of gridlock that occurred on Antelope Drive by the freeway, and on Hill Field Road and Main Street. He said it was because of the migration of people from the west side coming east to do their business. Mayor Curtis said the City's Master Plan identified commercial nodes throughout the City to help alleviate this problem.

Mayor Curtis said at one time there was a beautiful field behind his home where Arabian horses were trained.

He said he loved getting up in the morning and sitting on his deck and watching the gentleman train the horses. Mayor Curtis said time progressed and the gentleman died, and his children sold the land; houses were now there. He said you couldn't prevent the farmer from selling his land. Mayor Curtis said growth was inevitable and it had to be managed properly. He said the City had to plan where businesses were located. Mayor Curtis said this use would not be as intrusive as a Maverik or Seven Eleven; cities existed to make life better. He said he didn't think everyone wanted to migrate east for services and the City had to plan for future needs.

Mr. Jensen said there were plenty of places in Layton to accommodate commercial uses, particularly those with bigger roads such as the Fort Lane area. He said he didn't see the reason for commercial uses in residential areas.

Mayor Curtis said not all property owners wanted to sell. He said the City was looking for the best possible scenario that would fit in this area. Mayor Curtis said it was the City Planning Staff's responsibility to come up with that scenario; and it was the elected officials' job to listen to the will of the people.

Mr. Jensen said he appreciated the Council listening and he thought two homes would be perfect for the area.

Jason Sargent, 1433 Timber Creek Lane, said he lived in the Roberts Farms neighborhood where these lots were located. He said the HOA of the subdivision supported the rezoning of this property. Mr. Sargent said as Mayor Curtis mentioned, they felt that this commercial development would bring some additional services and increased quality of life to those in the neighborhood. He said as the Kennington Parkway Subdivision developed, children from Pheasant Place and Kennington Parkway would use the Arbor Way access to school.

Mr. Sargent said with the issues expressed by Ms. Dixon on the northern lot to the school, the School District did address those issues and installed a sidewalk, which mitigated the safety problems with the parking lot. He said the citizens in Roberts Farms supported the rezoning.

Patrick Kelly, 536 South 1425 West, said the commercial business just south of the proposed rezone was an agricultural type business; it was a veterinary clinic. He said the nature of that business was more in line with the country feel of the area. Mr. Kelly said 30 parking stalls were depicted in the conceptual drawing for the proposed development. He said with three businesses, three cars per business per hour would generate a car leaving or accessing the development every five minutes. Mr. Kelly said two more homes in the area would be more in line with other development in the area.

Mr. Kelly said he had great respect for the City Engineer, but in this area to accommodate the curve, the width, and to have the approach to get into a left turn, Angel Street would have to be widened. He said to not address that would be a mistake; there would be increased accidents.

Ed Green, partner of Green and Green, said he lived at 2150 Valley View Drive. Mr. Green said almost every home they built had a three car garage. He said because of that, everyone had a boat or trailer they backed into the garage or driveway. Mr. Green said backing a trailer into a driveway off of Angel Street would be much worse than in and out movements from a dentist's office. He said the dentist he was working with indicated that the traffic would be two to three patients an hour; he didn't understand where the 300 number was coming from. Mr. Green said 300 patients would be a ridiculous number of patients to see in one day.

Mr. Green said for clarification, he was doing several subdivisions in Layton and some of them had five-foot sidewalks. He said he wasn't sure if this subdivision would have four or five-foot sidewalks, but it would be whatever engineering had already approved.

Bill Wright said it was five feet.

Rick Smith, 615 South 1375 West, said approximately 10 years ago when the Roberts Farms Subdivision

was approved, these two lots were approved as residential lots. He said he believed that there would be commercial development at the future 2700 West and West Davis Corridor connection. Mr. Smith said there was the IHC property at Layton Parkway and Flint Street that would someday include professional office development. He said there were plenty of areas planned for this type of use.

Mary Curtis, 798 South Angel Street, said she spoke with Peter Matson on the phone earlier. She said she asked Peter if this business was allowed to develop, what were the odds that the entire field across the street would turn into the same type of commercial development. Ms. Curtis said Peter indicated that the odds went way up. She said that was not what the neighborhood wanted. Ms. Curtis said their daughter was rear ended waiting to turn into their house because someone was not paying attention. She said this area was a residential area; there were plenty of other areas in the City for this type of development. Ms. Curtis mentioned all the vacant land on Fort Lane near Layton Parkway.

Kyle Harmon said he was the Dentist interested in purchasing the property and creating the office space. Mr. Harmon said he had three young boys of elementary school age and he was definitely looking at the safety issues. He said they would have been happy to entertain the Fort Lane area, but finding people who were willing to sell in areas that would accommodate this were hard to find. Mr. Harmon said they couldn't move to an east Layton location without losing 25 to 50% of their patient base, which would be detrimental to their office. He said that was their purpose for looking at this location. Mr. Harmon said he had many patients in the west Layton and west Kaysville areas who had made many comments to him that they didn't like traveling east, crossing Main Street, I-15, and the railroad tracks, to go to professional type offices. He said he looked at the Davis Family Physicians and Summit Dental as examples of very nicely done developments within residential areas that were providing a great benefit to the residents.

Mr. Harmon said a lot of numbers had been discussed. He said 20 patients an hour seemed pretty insane for a dental office. Mr. Harmon said that wasn't enough time to give an injection, let alone do work. He said in their practice they typically saw 15 to 20 patients a day. Mr. Harmon said they reviewed their patient load for the past year when students were walking to and from school. He said at those times most patients were in the chair at 8:00 a.m., and most procedures took 1 hour. For a patient to leave around the 8:45 a.m. time period would be very rare. Mr. Harmon said overall, they averaged 2 to 3 patients per hour throughout the day, but those early morning times were less than that. He said he had worked in a very big office with 3 hygienists and 2 dentists, and they never got close to 20 patients an hour. Mr. Harmon said even if the practice grew a little bit, it wouldn't increase to those numbers.

Greg Sargent, 946 West Weaver Lane, said he was a lifetime resident, and had lived on the corner of Angel Street and Gentile Street his entire life. He said he had seen many changes to Gentile Street and Angel Street. Mr. Sargent said Layton Parkway changed west Layton forever; the rural farm community was no more. He said going forward, he had to look at how to make life the best that it could be. Mr. Sargent said he thought that putting small commercial projects like this proposal, where he could walk or ride a bike, instead of having to drive, would help with less traffic driving to the other side of town. He said he looked forward to that. Mr. Sargent said the traffic on Angel Street had forever changed with the Parkway; it was very difficult to back out onto Angel Street. He said he thought that it was much safer for children walking up and down Angel Street to have a car pull out forward onto Angel Street, even if it was a few people going to the dentist, than it was to have someone back out of a driveway onto Angel Street.

Becky Cowley, 536 South 1425 West, said she majored in landscape architecture at Utah State University. She said the dentist that spoke could only speak for one out of the three offices that were planned in the development. Ms. Cowley said access from Angel Street could also completely be cut off; the neighborhood could be reconfigured and access the property from the other side. She said she didn't think other options had been explored well enough. Ms. Cowley asked if the City had considered how many crossing guards would be needed to cross all the streets if the children accessed the school off of Arbor Way.

Councilmember Freitag said something that Mr. Smith and Mrs. Curtis said sparked his interest. He said each Councilmember had a copy of the map that went along with the General Plan. Councilmember Freitag said arguments had been made from both sides why this was or was not okay; safety issues, traffic,

crosswalks, etc. He said what had changed west Layton was everyone that had moved out there. Councilmember Freitag said as part of the City's Master Plan, there were previously established areas that the City had decided within the General Plan that were appropriate for business or commercial nodes. He said as he looked at the particular map in front of him, this area did not make that recommendation on the General Plan. Councilmember Freitag said while he appreciated all of the arguments that had been made, he came back to the General Plan. He said without some change in the General Plan, it did not make sense to do a spot rezone on a piece of property that was not recommended. Councilmember Freitag said his recommendation was that this not be approved.

Councilmember Bouwhuis said he shared the safety concerns expressed by Mr. Kelly. He said the City dealt with a road issue several months ago by Smith's Grocery Store, in which residents came forward and expressed concerns about the safety of a small road that led to a senior housing development. Councilmember Bouwhuis said the City and citizens spent several weeks trying to redefine the road so that it was more acceptable to the citizens and the developer. He said the City ended up with a better project.

Councilmember Bouwhuis said he was concerned about the current state of Angel Street. He said before he could feel comfortable with the project he would like to see a full blown plan of what Angel Street needed to look like to accommodate a development such as this; was that possible, what would it take and what would Angel Street look like. Councilmember Bouwhuis said so many of the issues brought up tonight were with trying to put something on a street that had some fundamental flaws. He said maybe there was nothing the City could do about the street, but he would like the chance to see what the City Staff could come up with to improve the street so that it was a better street functionally, and a better street to handle some of the issues the residents talked about.

Councilmember Flitton said as Mr. Sargent commented, he had been here all of his life and he was a little bit older than Mr. Sargent. He said he had seen a myriad of changes in Layton. Councilmember Flitton said he lived west of Highway 89 and so much of the commercial development had taken place on the east side of Layton.

Councilmember Flitton said a couple of years ago the Council tried to initiate a very well planned, award winning code in the West Layton Village. He said he was very much in favor of that, and was still in favor of that. Councilmember Flitton said there needed to be some planning in place for Layton for the future. He said in information he mentioned earlier, there would be 45,000 people per year in growth in the State of Utah over the next 15 years; that was a city the size of Bountiful each year coming to Utah. Councilmember Flitton said the City needed to plan for that growth. He said the City tried to make that happen with the West Layton Village concept, but it didn't happen. Councilmember Flitton said he was not in favor of spot zoning. He said he sided quite heavily with Councilmembers Freitag and Bouwhuis in that there should be more planning and more investigating into the long range benefits for the citizens of Layton.

Councilmember Brown said relative to Councilmember Freitag's comment about there not being any professional or commercial zoning on the road according to the map, the area where Christensen's Dental was located was not zoned professional business or commercial on the map; the McMillan's area on Gordon Avenue was not zoned for professional business on the map; and on 3200 West and Gordon Avenue where there was a medical building, it was not zoned professional business on the map. Councilmember Brown said she didn't think that it had to be zoned professional business on the map for the Council to approve or disapprove the rezone.

Councilmember Brown said her concern before coming this evening was where were the children going to go; she believed the children would be safe walking through the neighborhood whether this rezone was approved or not. She said if it were her, she would have her children walk through the subdivision where the cars were traveling 25 mph versus on Angel Street where cars were traveling 40 mph. Even if the speed limit was not 40, that road led to that type of speed. Councilmember Brown said she asked earlier what Angel Street would eventually look like; would it be comparable to Flint Street, which had been improved. She said she was told that Angel Street would actually be wider than Flint Street. Councilmember Brown said she assumed that since Layton Parkway had opened, Angel Street had seen a great increase in traffic as residents

accessed the Parkway. She said Angel Street would need to be improved as traffic continued to increase. Councilmember Brown said she probably disagreed with Councilmember Freitag in that just because you didn't see professional business on the map that there were plenty of places in Layton that had been zoned professional business that were not on the map.

Councilmember Freitag asked if Angel Street was an arterial street.

Peter said no.

Councilmember Freitag asked if Gordon Avenue was an arterial street.

Peter said yes.

Councilmember Freitag asked if Antelope Drive was an arterial street.

Peter said yes.

Councilmember Freitag asked if Fairfield Road was an arterial street.

Peter said yes.

Councilmember Freitag asked if Gentile Street was an arterial street.

Peter said yes.

Councilmember Freitag said two point; one, those were all arterials and this was not; second, he did not make any of those other decisions and he didn't know if he would have. Prior Councils did that; he thought that it did not fit in this particular area.

Peter said to elaborate on what Councilmember Brown mentioned in reference to the map; the map identified major land use patterns, both existing and future, with certain nodes that were commercial related uses; Gentile Road and Fairfield Road, Fairfield Road and Gordon Avenue, Church Street and Highway 193, and future nodes at the West Layton Village area and at 2700 West and the West Davis Corridor. Peter said the PB zonings that had been approved that were on the map shown earlier were all approved based on written policy recommendations related to the use of the professional business zone along arterial streets. He said the written policy indicated that those uses were appropriate at the intersections of arterial and collector streets, and that was the basis for the Planning Commission's recommendation for this rezone, and why the Staff supported that recommendation.

Councilmember Freitag said he didn't disagree with what Peter stated. He said with the way Layton Parkway was outlined with limited accesses, that that arterial and collector intersection was different than any other arterial and collector intersection in the City. Councilmember Freitag said they may be called the same thing, but they were different.

MOTION: Councilmember Bouwhuis moved to table this item until Staff could have a developed schematic of what Angel Street could look like and would look like; and a better fix on the potential business and what it would look like. He said there was a potential of three bays in this office; what was the potential volume. Councilmember Bouwhuis said he had some safety concerns and some issues with Angel Street so he would move that this be tabled until the Council got that additional information, and also that the citizens have a chance to come in and review the information and give the Council additional input. He said he was not siding with the citizens that the City ought to not have PB zoning at this location, and he wasn't siding with the developer, it was a matter of looking at this further to see what the best solution was.

Councilmember Brown asked if Councilmember Bouwhuis had a date to table this to.

Councilmember Bouwhuis said he didn't; he asked what amount of time Staff would need.

Discussion suggested October 3, 2013.

MOTION (continued): Councilmember Brown seconded the motion. Councilmembers Bouwhuis, Brown and Flitton voted yea; Councilmember Freitag voted nay. The motion carried.

CITIZEN COMMENTS:

Jamie Prather-Newton, 949 West Gordon Avenue, said at the last Council meeting on August 1st, she asked the Council to look at amending the noise ordinance to include noises coming from indoor gun ranges. She said she didn't believe the current standards pertained to gun ranges. Ms. Prather-Newton said she had the Layton City Municipal Code, 9.08.010 – Disturbing the Peace, and in the Code it talked about Number 1, being unlawful for any person to disturb the peace and the good order of the City by clamor, intoxication, fighting, unlawful use of obscene language; and then Number 2, it was unlawful for any person to use or operate or permit the use or operation of any radio receiver, tape player, disc player, television, musical instrument or other machine, instrument or devise for the production or reproduction of sound between the hours of 10:30 p.m. to 7:00 a.m.; this was bullet point A, in a way that was plainly audible at the immediate property boundary or the exterior wall of a structure which constitutes the boundary of a premises, or be on public property or on a public right of way at any time so as to be plainly audible 50 feet from the devise, unless under a special events permit.

Ms. Prather-Newton said the last amendment to this disturbing the peace ordinance was June 26, 2013, which was just this past June. She said the other ordinance the City had was discharging firearms, which was 9.60.020, and under bullet point 1-C in the case of target shooting, if in a proper place and breastwork or battery for the protection of the citizens has been erected, and written approval of such structure has been given by the Police Department Chief. Ms. Prather-Newton said there was no sound consideration given for target shooting and no standards listed for indoor shooting ranges under this discharging of firearms.

Ms. Prather-Newton said under bullet point 2, shotguns may be discharged if not within 600 feet of a building. She said now the City had shotguns being discharged inside a building at two locations. Ms. Prather-Newton said the last amendment to this discharging of firearms was June 6, 2010. She said the City really didn't have any new rules for indoor fire ranges at the City. Ms. Prather-Newton said all of the requirements of the conditional use permit for the indoor commercial amusement, for Salvo and Red Dot Fire Range, were that the businesses shall comply with Fire Department, Building, Planning and Engineering Division requirements.

Ms. Prather-Newton said they had gone to a City Planning meeting and there was discussion about a conditional use permit for another business, totally different than indoor shooting ranges, and they found out from the attorney that if it wasn't specific in the conditional use permit that the sound noise ordinance or sound problems that this business might have, it could take up to a year for the business to become compliant.

Ms. Prather-Newton said in their case that would mean that they would be listening to gun shots for over a year without any reprise, and that was getting rid of the conditional use permit. She said our City had been added to the "Fix the Gun Noise," a website that was listing cities all over the country that were having problems with indoor gun ranges, and the citizens having to deal with the sound from these ranges because the cities didn't have the ordinances in place for protecting the citizens from the sound coming from these gun ranges.

Ms. Prather-Newton said she wanted to make sure that Layton was now on this list, and she wanted to make sure that maybe the City could look at its ordinance so this didn't happen again with the next gun range that wanted to be opened in Layton.

Councilmember Freitag asked Ms. Prather-Newton what the name of that was.

Ms. Prather-Newton said it was called, “Fix the Gun Noise.com.” She said she was called by a gentleman in Montgomery, Ohio, and he was having the same problems that they were currently having. Ms. Prather-Newton said Clovis, California, near Fresno, was having the same problems that they were having, because there were franchise gun ownerships going all over the country putting in indoor gun ranges and the cities ordinances were not up to date to protect the citizens from these noises.

Councilmember Bouwhuis asked Ms. Prather-Newton if she lived close to one of these ranges.

Ms. Prather-Newton said Red Dot Gun Range abutted her back property.

Councilmember Bouwhuis asked if the back of Ms. Prather-Newton’s yard and the back of the business were common.

Ms. Prather-Newton said yes. She said they were within 600 feet of the business. Ms. Prather-Newton said they were currently putting in sound insulation to buffer the sound. She said they now could not hear it from the inside of their house, but they could still hear the guns going off outside the house.

Councilmember Bouwhuis said so the mitigation had helped a little, but not to her satisfaction.

Ms. Prather-Newton said yes it had, but she still believed that the City’s noise ordinance was not up to par for these new types of businesses that were coming in, and that was her concern.

Councilmember Bouwhuis asked if her concern was that she could live with it now that it was mitigated, but she wanted to protect the future.

Ms. Prather-Newton said she didn’t want to live with it the way it was now; it still wasn’t mitigated to her; she should not be able to hear it, and based on the Planning Commission and all the minutes from the meeting they should not be able to hear it from outside the building, but they were. It was less now, but it was still not what was promised.

Councilmember Flitton asked Ms. Prather-Newton if there were other noises that were uncomfortable for her.

Ms. Prather-Newton said when they moved into Layton, they moved on Gordon Avenue, which was a main arterial road. She said Hill Field Road was not there, so they had Air Force planes, they had trains that blew horns, and they had major traffic including truckers. Ms. Prather-Newton said they knew when they moved in they had planes, trains and automobiles; but they didn’t plan on having gunshots, which were very jarring, hearing that from the inside of your home, from 10:00 a.m. to 8:00 p.m. Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday. She said some of the other places in other countries were getting it six or seven days a week, and the city councils were having – one place in Montgomery, Ohio, the gun range was ½ mile from this gentleman’s property; Montgomery, Ohio City couldn’t deal with it because it wasn’t in its city it was in – it was like having Layton and Kaysville having the building issues that they have. Our zones say yes you can put this in, but the other cities say that this was an infringement on the other city’s property rights, so the one gentleman that called her today lived in one city, but the gun range was actually in another city and the other city that had their ordinances was fine with the gun range, so they didn’t plan on doing anything. So now he had lived in a place for 20 years and now his whole life was upended because they sit and hear guns until 10 o’clock every night.

Councilmember Flitton said he heard what Ms. Prather-Newton was saying. He said it was pretty subjective; we each had our little grumps.

Ms. Prather-Newton said she didn’t want to hear a gunshot, unless she was there to actually shoot the gun.

Councilmember Flitton said he understood. He said these folks seemed to be doing whatever they could to

minimize that, but it was still a concern to Ms. Prather-Newton.

Ms. Prather-Newton said that was correct, but the City was now on this new list.

Bob Newton, 949 West Gordon Avenue, asked how long the City had had this General Plan, and how often was it changed.

Mayor Curtis said the General Plan could be amended at any time, and it was up to the people to decide if they wanted it changed. He said the last time it was amended was in about 2003 as part of the growth in west Layton.

Peter said that was the last major change.

Mayor Curtis said it could be amended at any time, which would be voted on by the Council. He said State law required each city to have a Master General Plan.

Chuck Easton, 1296 West 500 South, said he appreciated the Council's careful consideration of the rezoning effort. He said he was a transportation planner and a 1 mile length of roadway that was 40 to 50 feet wide would cost approximately \$5,000,000 to make the improvements. Mr. Easton said that would include a center turn lane and adequate shoulders. He said from Gentile Street to the Kaysville border would be approximately 1 mile.

The meeting adjourned at 10:01 p.m.

Thieda Wellman, City Recorder